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15 **UNITED STATES DISTRICT COURT**
16 **NORTHERN DISTRICT OF CALIFORNIA, SAN FRANCISCO DIVISION**

17 UNITED STATES OF AMERICA,
18 Plaintiff,
19 vs.
20 MICHAEL RICHARD LYNCH AND
21 STEPHEN KEITH CHAMBERLAIN
22 Defendants.

23 CASE NO. 3:18-cr-00577-CRB

24 **Declaration of Gary S. Lincenberg in
25 Support of Stephen Chamberlain's Joinder
26 and Motion to Dismiss Count 17 of the
27 Superseding Indictment**

28 Date: November 1, 2023
Time: 1:30 p.m.
Place: Courtroom 6

3892883.2 Assigned to Hon. Charles R. Breyer

DECLARATION OF GARY S. LINCENBERG

I, Gary S. Lincenberg, declare as follows:

1. I am an active member of the Bar of the State of California and a Principal with Bird, Marella, Boxer, Wolpert, Nessim, Drooks, Lincenberg & Rhow PC, attorneys of record for Defendant Stephen Keith Chamberlain in this action. I make this Declaration in support of Stephen Chamberlain's Joinder and Motion to Dismiss Count 17 of the Superseding Indictment. Except for those matters stated on information and belief, I make this Declaration based upon personal knowledge and, if called upon to do so, I could and would so testify.

9 2. Through my review of discovery, I have seen documents indicating that HP-
10 Autonomy's final reported revenue for Q1 2012 was \$220.1 million. Through my review of
11 publicly available information, HP reported approximately \$30 billion in revenue for Q1 2012.

12 3. Attached as **Exhibit 1** is a true and correct copy of the superseding indictment filed
13 in the matter captioned *United States v. Hwa*, No. 1:18-cr-00538-MKB (E.D.N.Y.) filed on
14 December 20, 2021, ECF No. 105 .

15 4. Attached as **Exhibit 2** is a true and correct copy of the indictment filed in the
16 matter captioned *United States v. Reyes*, No. 3:06-cr-00556-CRB (N.D. Cal.) filed on August 11,
17 2006, ECF No. 23 .

18 I declare under penalty of perjury under the laws of the United States of America that the
19 foregoing is true and correct, and that I executed this Declaration on September 29, 2023, at Los
20 Angeles, California.

/s/Gary S. Lincenberg
Gary S. Lincenberg